

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk, U.S. District Court
Southern District of Texas
FILED

DEC 8 2014

David J. Bradley, Clerk of Court

United States of America

v.

David Gonzales

Case No.

C-14-1317M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/05/2014 in the county of San Patricio in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC, Section 841(a)(1)

Unlawful for any person to knowingly or intentionally manufacture, distribute,
 dispense, or possess with intent to distribute a controlled substance.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Nicolas A. Kucera, Special Agent

Printed name and title

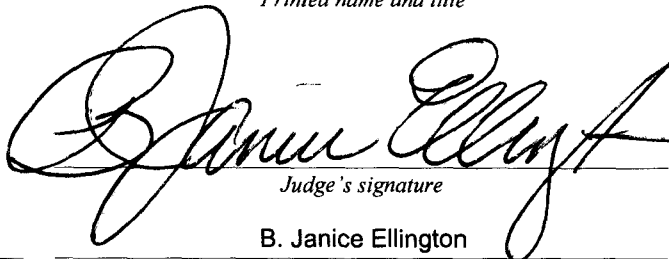
Sworn to before me and signed in my presence.

Date:

Dec 8, 2014

City and state:

Corpus Christi, Texas



Judge's signature

B. Janice Ellington

Printed name and title

AFFIDAVIT

I, Nicolas A. Kucera, being duly sworn on oath states:

I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Houston Division, Corpus Christi Resident Agency, and have been so employed since July 2010. Prior to employment with the FBI, I was employed as a Police Officer for Prince William County, Virginia, for four (4) years. The following facts and information are known by the Affiant and were provided by other law enforcement officers directly involved in the investigation of this matter. These facts and circumstances are being provided as probable cause in support of a complaint for violations of Title 21, United States Code, Section 841(a)(1)--unlawful for any person to knowingly or intentionally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance.

Texas Department of Public Safety (DPS) Criminal Investigations Division (CID) Agent Chris Ybanez received information from a credible DPS Cooperating Individual (CI) that DAVID GONZALES was selling narcotics from 1211 South McCampbell Street, Aransas Pass, Texas.

On September 3, 2014, the CI was observed by Federal Bureau of Investigation (FBI) Safe Streets Task Force Officers (TFOs) arriving at 1211 South McCampbell Street. Shortly thereafter, the CI departed and the CI and Agent Ybanez met. The CI provided Agent Ybanez a substance, which later tested positive for cocaine base and had a net weight of 0.5 grams.

On September 4, 2014, similar events as the previous day took place. Officers and agents of the DPS and the FBI surveilled the CI arrive and depart 1211 South McCampbell Street. The CI met with Agent Ybanez and turned over a substance, which later tested positive for cocaine base and had a net weight of 0.66 grams. Later the same day, Agent Ybanez swore to the facts in a search warrant affidavit before Judge Joel Johnson in San Patricio County 156th Judicial District, and was granted a search warrant for 1211 South McCampbell Street, Aransas Pass, Texas.

On September 5, 2014, Corpus Christi Police Department (CCPD) Special Weapons and Tactics (SWAT) team gained entry to GONZALES' residence. CCPD SWAT officers located GONZALES laying down on a sofa in the living room. A CCPD officer observed GONZALES attempting to hide an object in GONZALES' clothing. GONZALES was immediately handcuffed and searched. The officer located a green bottle on GONZALES containing a hard rock like substance. The substance later tested positive for cocaine base and had a net weight of 23.65 grams

Law enforcement personnel conducted a methodical search of 1211 South McCampbell Street, locating ammunition, firearms, U.S. currency, cell phones, and documents pertaining to the Texas

Mexican Mafia (TMM), a violent prison/street gang. A Drug Enforcement Agency TFO located ten (10) rounds of .380 caliber ammunition inside a top drawer of the master bedroom. Your Affiant located 238 rounds of .22 caliber ammunition inside a kitchen cabinet. A DPS agent located a locked safe in the living room. The Aransas Pass Fire Department responded and assisted in opening the safe which contained: over \$2,500, the TMM constitution, a TMM roster, and the vehicle registration of a 1994 Cadillac. A Bureau of Alcohol, Tobacco, and Firearms Special Agent located a false compartment inside the 1994 Cadillac. The compartments contents include: over \$18,500, two (2) cell phones, two (2) pistols (a Taurus PT-22 semi-automatic and a loaded H&R model 929 revolver), and a single round of .45 caliber ammunition. The false compartment also contained a plastic bag containing coffee grounds, which investigators believe was used to mask the scent of possible contraband.

GONZALES was arrested and transported by the Aransas Pass Police Department to the San Patricio County Jail.

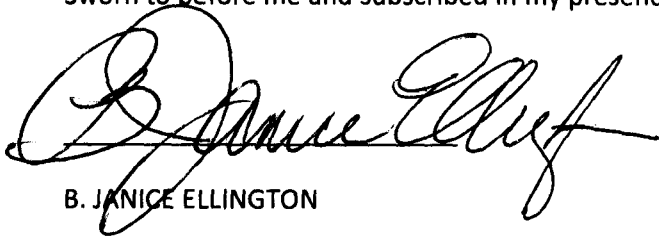
AUSA Michael Hess approved the federal prosecution of GONZALES and the filing of this complaint.

Your Affiant believes that the aforementioned information constitutes sufficient probable cause to believe that DAVID GONZALES has violated Title 21 United States Code, Section 841(a)(1), by knowingly or intentionally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance.



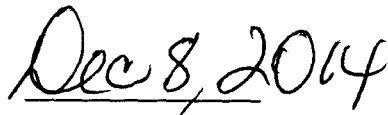
Nicolas A. Kucera, Special Agent, FBI

Sworn to before me and subscribed in my presence,



B. JANICE ELLINGTON

U.S. Magistrate Judge



Date